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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,336

08/31/2006

David A. Biro

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9426

63725

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08/24/2009

DICKSTEIN SHAPIRO
1633 Broadway
NEW YORK, NY 10019

EXAMINER

ROBINSON, CHANCEITY N

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

08/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/591,336</p>	<p>Applicant(s) BIRO ET AL.</p>	
	<p>Examiner CHANCEITY N. ROBINSON</p>	<p>Art Unit 1795</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Amanda C. Walke/
Primary Examiner, Art Unit 1795

/Chanceity N Robinson/
Examiner, Art Unit 1795

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that paragraph [0031] of Ohman does not refer to radiation curing but only to say that a radiation curable printing ink is an ink which can be cured by radiation with UV light-it does not say or suggest curing the ink prior to application of the lacquer. The only sequence involving application of UV light disclosed in this reference (Ohman) is where the radiation curable ink and radiation curable lacquer are simultaneously cured using a common UV radiation source [0034]. Also the office action asserts that the claims do not recited that the ink is cured prior to be overcoated with a transparent layer. It is respectfully submitted with this assertion is not correct because that sequence is the only sequence consistent with the claim structure, and that any other interpretation would be rejected by the skilled person to whom the claims are directed. Again, examiner respectfully disagrees as stated on page 8 of the office action. The present invention only recites, "exposing ink to UV light and curing the coating with UV light." Examiner notes Ohman meets the limitations that are claims in claims 1 and 3-11 in paragraphs [0031 & 0033-0034]. Examiner notes Applicant does not disclose the recited steps are done in a sequence, therefore rejections are maintained. Applicant states the Final Rejection overlooks the fact that the recitation, "the ink is substantially free of curable functionality", is found on the last 3 lines of page 3 of the specification. Examiner respectfully disagrees. However, examiner has only assigned the claimed recitation found in claims 1-20 of the instant application. Also, examiner notes "actinic radiation activatable" is broad in scope as explained on page 8 of the final rejection. Therefore, rejections are maintained. Applicant also argues that the sole reason for partial curing in Lovin is to avoid pick-off and smearing of the first ink resulting from the fact that the first ink has been deliberately only partially cured when the second ink is applied. Examiner notes this argument was addressed in the Final office action pages 9-10. Pick-off and smearing are well-known problems in the packaging material field. Further, Lovin also teaches the use of electron beam irradiation upon final curing leads to final product that can withstand harsh environmental treatment associated with food packaging and also prevent shrinkage of the thermoplastic web (column 6, lines 47-55). Therefore, rejections are maintained. Applicant arguments with regards to Edlein in view of Lovin were also previously addressed in final office action page 11. Applicant arguments with regards to Mossbrook in view of Lovin and Mossbrook in view of Lovin and Chatterjee were previously addressed in final office action pages 11-13. All rejections are maintained.